

**South Carolina General Assembly**  
116th Session, 2005-2006

**A375, R385, S368**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Leatherman, O'Dell, Setzler and Knotts

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Introduced in the Senate on January 27, 2005

Introduced in the House on March 2, 2005

Last Amended on May 31, 2006

Passed by the General Assembly on June 1, 2006

Became law without Governor's signature, June 14, 2006

Summary: State procurement process

**HISTORY OF LEGISLATIVE ACTIONS**

Date	Body	Action Description with journal page number
1/27/2005	Senate	Introduced and read first time SJ-8
1/27/2005	Senate	Referred to Committee on <b>Finance</b> SJ-8
2/23/2005	Senate	Committee report: Favorable <b>Finance</b> SJ-20
2/24/2005	Senate	Read second time SJ-13
2/24/2005		Scrivener's error corrected
3/1/2005	Senate	Read third time and sent to House SJ-11
3/2/2005	House	Introduced and read first time HJ-7
3/2/2005	House	Referred to Committee on <b>Labor, Commerce and Industry</b> HJ-7
5/17/2006	House	Committee report: Favorable with amendment <b>Labor, Commerce and Industry</b> HJ-3
5/24/2006	House	Debate adjourned until Thursday, May 25, 2006 HJ-16
5/25/2006	House	Amended HJ-18
5/25/2006	House	Debate adjourned HJ-19
5/25/2006	House	Read second time HJ-73
5/25/2006	House	Unanimous consent for third reading on next legislative day HJ-80
5/26/2006	House	Read third time and returned to Senate with amendments HJ-1
5/31/2006	Senate	House amendment amended SJ-20
5/31/2006	Senate	Returned to House with amendments SJ-20
6/1/2006	Senate	Recalled from House SJ-81
6/1/2006	Senate	Reconsider vote whereby amended and sent to House SJ-81
6/1/2006	Senate	Amendment tabled SJ-81
6/1/2006	Senate	Concurred in House amendment and enrolled SJ-81
6/7/2006		Ratified R 385
6/14/2006		Became law without Governor's signature
6/20/2006		Copies available
6/20/2006		Effective date 06/14/06
6/23/2006		Act No. 375

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## **VERSIONS OF THIS BILL**

[1/27/2005](#)

[2/23/2005](#)

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(A375, R385, S368)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-35-3215 SO AS TO PROVIDE A PREFERENCE IN THE STATE PROCUREMENT PROCESS FOR A RESIDENT DESIGN PROFESSIONAL, TO PROVIDE EXCEPTIONS, TO REQUIRE AN AWARD TO A RESIDENT OR A NONRESIDENT OF A CONTRACT INVOLVING DESIGN SERVICES TO HAVE A WRITTEN DETERMINATION EXPLAINING WHY THE AWARD WAS MADE, AND TO DEFINE “DESIGN SERVICES” AND “RESIDENT” FOR THIS PURPOSE.**

Be it enacted by the General Assembly of the State of South Carolina:

**Preference for residents; requirements of contract**

SECTION 1. Subarticle 5, Article 9, Chapter 35 of Title 11 of the 1976 Code is amended by adding:

“Section 11-35-3215. (A) As used in this section:

(1) ‘Design services’ means architect-engineer, construction management, or land surveying services as defined in Section 11-35-2910.

(2) ‘Resident’ means a business that (i) employs, either directly or through consultants, an adequate number of persons domiciled in South Carolina or (ii) performs in South Carolina a majority of the design services involved in the procurement.

(B) A business responding to an invitation involving design services shall submit a certification with its response stating whether the business is a resident for purposes of the procurement. Submission of a certification under false pretenses is grounds for suspension or debarment.

(C) An award to a resident or nonresident of a contract involving design services must be supported by a written determination explaining why the award was made to the selected firm.

(D) When qualifications appear to be equal, the resident firm must be selected.

(E) This section does not apply to a procurement if either the procurement does not involve construction or the design services are a minor accompaniment to a contract for nondesign services.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 7<sup>th</sup> day of June, 2006.

Became law without the signature of the Governor -- 6/14/06.

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